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| APPLICATION NO.                     | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/719,274                          | 11/21/2003  | Garnet McHugh        | 0101-1              | 3197             |
| 25901                               | 7590        | 09/11/2006           | EXAMINER            |                  |
| ERNEST D. BUFF                      |             |                      | CROSS, ALAN         |                  |
| ERNEST D. BUFF AND ASSOCIATES, LLC. |             |                      | ART UNIT            | PAPER NUMBER     |
| 231 SOMERVILLE ROAD                 |             |                      |                     | 3713             |
| BEDMINSTER, NJ 07921                |             |                      |                     |                  |

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/719,274             | MCHUGH, GARNET      |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Alan Cross             | 3713                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 21 November 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 November 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 3/15/2004
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Using a Trademark in a claim renders a claim indefinite, and also constitute an improper use of the Trademark.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearson et al. (US Pub. #2002/0162117) in view of Lotvin et al. (US Pub #2002/0165777)

Regarding claim 1: Pearson teaches a multi-media geography game show providing educational credit allowing real time participation of contestants, live show audience participants and remote TV viewers connected to Internet (pg. 2, parg. 0014), comprising: a. a central projection screen visible to said contestants and audience participants posing a posted question; b. two side screens projecting information relevant to the question, said projected information having in the form of video clips, still images or staged drama (fig. 7) It is well known to have many different displays in game shows to convey information to the game player ; c. timing means for determining time lapsed, to ascertain that a contestant indicates readiness within 4 seconds, and that a question is answered by said contestant, live audience participants and the remote TV audience viewers within 30 seconds (pg. 6, parg. 0069); d. recording means for recording the answers provided by said contestants, live show audience participants and remote TV viewers (pg. 6, parg. 0073); e. validating means for evaluating the correctness of provided answers (pg. 2, parg. 0018); f. rewarding means for providing monetary rewards to said contestants and material rewards to live said live show audience participants and remote TV viewers (pg. 2, parg. 0019); and except credit issuing means for issuing learning credits to contestants, live show audience participants and remote TV viewers. Lotvin teaches issuing learning credits (pg. 1, parg. 0005). It would have been obvious to one of ordinary skill in the art to modify

Pearson to give learning credits to users using the teaching o Lotvin. This would allow a teacher use other technologies to get their students to learn more about geography and other topics and reward them for it. Jeopardy is well known to cover many topics including geography, it should be known that this is a matter of design choice for what a game show questions should include.

Regarding claim 2: Pearson teaches A multi-media geography game show as recited by claim 1, wherein said central projection screen comprises multiple sections providing information related to said posted question in the form of video clips, still images and staged performance (pg 2, parg. 0014) It is well known in the art to display multimedia clips for game shows and trivia games.

Regarding claim 3,4: Pearson teaches a multi-media geography game show as recited by claim 1, posted question comprises "who", "what", "when", "where", "how" and "why" categories with a multiple-choice answer format and posted question is selected from a category consisting of "Continents", "Live Act", "Countries", "Special Topics", "State", "America", "Spin of the Globe" and a "World Series". At the time the invention was made it would be a matter of obvious design choice to choose questions using "who", "what", "when", "where", "how" and "why" and categories. Jeopardy uses many different categories, and other trivia shows have a ever changing set of questions and categories. It would have been obvious to one of ordinary skill in the art to choose to use different categories for a game show.

Regarding claim 5,6: Pearson teaches a multi media geography game show as recited by claim 1, wherein the said live show audience participants interact with the

game show using computers having specialized software (pg. 3, parg. 0043), remote TV audience viewers interact with the game show using Internet-connected computers having specialized downloaded software (pg. 3, parg. 0044).

Regarding claims 7,8,9: Pearson teaches a multi-media geography game show as recited by claim 1, wherein said contestants are rewarded monetarily for answering said posted questions correctly or not within said allotted time of 30 seconds (pg. 6, parg. 0069, pg. 2, parg. 0019)) reward having the form of merchandise coupons, travel vouchers, service vouchers, UPC codes, help locations for answering said posted questions correctly within the allotted time of 30 seconds (pg. 2, parg. 0019). It is well known in the art to limit the amount of time allowed for a player response for a game show and it is well known to reward them with many different types of prizes.

Regarding claim 10: Pearson teaches a multi-media geography game show as recited by claim 1, wherein said rewarding means comprises a print out issued by said live show terminal or remote TV viewer computer (pg. 2, parg. 0019). It is well known to print out a receipt or a coupon to prove that a viewer received an award, and would be beneficial to the operators to keep a accounting of what prizes were issued.

Regarding claim 11: Pearson teaches a multi-media geography game show as recited by claim 1, wherein said rewarding means is a magnetic media issued by said live show terminal or remote TV viewer computer (pg. 2, parg. 0019). It is well know in the art to give prized in gift cards, or player tracking cards, saved to a physical medium that is a magnetic media. This would allow a user to easily spend and use the credits.

Regarding claim 12: Pearson teaches a multi-media geography game show as recited by claim 1, except wherein the said contestants, live show audience participants and remote TV audience viewers receive educational credit for correctly answered questions, and are given an opportunity to take additional validations tests from accredited educational institutions. Lotvin teaches providing educational credit for completing educational exercises and where at a school, tests could be given that have accredited credit (pg. 1, parg. 0005, 0006). It is known in the art to give students the opportunity to take distance learning classes and exams to where they could get credited for passing the tests. It would have been obvious to one of ordinary skill in the art to modify Pearson using the teaching of Lotvin to provide education credit for correctly answered questions, and acquiring educational credit from accredited institutions. This would be a way to get students more involved in learning the subject matter of there class by using a technology that is normally considered to be a waste of time. This would allow a student to have fun learning and acquiring credit for education while watching a TV game show.

Regarding claim 13: Pearson teaches a multi-media geography game show as recited by claim 1, wherein said timing means comprises computer software means for synchronizing a live show audience time clock and a remote TV audience time clock with a time clock of said multi-media geography game show (pg. 4, parg. 0048, pg. 5, parg. 0062).

Regarding claim 14: Pearson teaches a multi-media geography game show as recited by claim 1, wherein it would be a mater of obvious design choice to use

depictions of geographical/global locations/renderings are provided, said depictions denoting earth's special conformity. "Jeopardy" and "Where In The World Is Carmen Sandiego", where categories and different parts of the world are displayed many other game shows and games have used geography and global locations for the theme and questions from the displayed locations.

Regarding claim 15: Pearson teaches a multi-media geography game show as recited by claim 1, wherein Arron Copelands "Appalachian Spring" comprises a central theme of said game show. It would be a matter of obvious design choice to use a theme song for the them of the game show. "Jeopardy", "Where In The World Is Carmen Sandiego", "The Price Is Right" all have a theme song and they are al different. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Pearson to include the theme song "Appalachian Spring" or any other song for that matter. This would give the game a recognizable sound that users would easily remember.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Forrest et al. (US Patent #6267379) discloses a multimedia game with rounds of questions viewed by users in different locations

Guy et al. (US Patent #5833468) discloses a remote learning system using a TV broadcast and a network connection where students can answer questions.

Neal, III (US Patent #2001/0036865) discloses a interactive game system were a plurality of individuals respond to a broadcast system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cross whose telephone number is 571-272-5529. The examiner can normally be reached on 8-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARC 571-272-5529

  
XUAN M. THAI  
SUPERVISORY PATENT EXAMINER  
TC3700